

REMARKS / ARGUMENTS

The action by the Examiner in this application, together with the references cited, has been given careful consideration. Following such consideration, claim 1 has been amended to define more clearly the patentable invention Applicant believes is disclosed herein. It is respectfully requested that the Examiner reconsider the claims in their present form, together with the following comments, and allow the application.

As the Examiner well knows, the present invention is directed to a sanitizable float valve apparatus. The valve apparatus includes a valve body defining a valve cavity. A fluid inlet and a fluid outlet are formed in the valve body and both are in fluid communication with the valve cavity. The fluid inlet is disposed in the valve body above the valve cavity. The fluid outlet is disposed in the valve body and extends radially from the valve cavity. A closing element is disposed in the valve body. The closing element and valve cavity are dimensioned to create an *allowance* between the valve cavity and the closing element.

During operation of the present invention, fluid enters the valve body through the fluid inlet. A majority of the fluid flowing through the valve body exits through the fluid outlet when the closing element is in an open position. A small portion of the fluid flowing through the valve body exits through the allowance between the closing element and the valve cavity. In this respect, *only a small portion* of the fluid flowing through the valve element is used to flow over the closing element to remove any impurities thereon.

In response to the Examiner's rejections, the claim 1 has been amended to define more clearly the patentable invention Applicant believes is disclosed herein. In this respect, claim 1 has been amended to define that "a part of the fluid exiting said valve exits through said

allowance *and* a majority of said fluid exiting said valve exits through said fluid outlet (8) when said valve is open.” In other words, amended claim 1 defines that fluid exits the valve through two paths when the valve is open, i.e., a portion of the fluid exits through the allowance *and* majority of the fluid exits through the fluid outlet. It is respectfully submitted that the cited reference does not disclose a structure as described in the claims in their present form.

Claims 1–4 stand rejected under 35 U.S.C. 102(b) as being anticipated by Great Britain Patent No. GB 595,100 to Abey. The ‘100 patent to Abey discloses a float valve comprising a body 3, a closing element 15 placed into the body and a float connected to a lever arm 7 for controlling the closing of the closing element. As shown in FIGS. 1, 2 and 3 of the ‘100 patent to Abey, the valve body has a single inlet, i.e., bore 6, and a single outlet 2. In this respect, *all of the fluid* flowing through the valve element passes through bore 6, the valve cavity, over the closing element and out through outlet 2. The ‘100 patent to Abey does not teach, suggest or show a structure “wherein a *part* of a fluid exiting said valve exits through said allowance *and a majority* of said fluid exiting said valve exits through said fluid outlet (8) when said valve is open” as presently defined in claim 1 of the present invention.

Claims 2–5 depend from claim 1 and should be allowed for at least the same reasons stated above for claim 1.

Claim 5 stands rejected under 35 U.S.C. Section 103(a) as being unpatentable over the ‘100 patent to Abey in view of U.S. Patent No. 2,793,654 to Bierman.

The ‘654 patent to Bierman discloses a float valve made of PTFE. Applicant respectfully submits that the ‘654 patent to Bierman does not disclose the deficiencies noted above regarding the ‘100 patent to Abey.

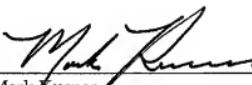
Application No. 10/552,884
Response dated March 12, 2008
OUTSTANDING OFFICE ACTION dated December 18, 2007

In view of the foregoing, it is respectfully submitted that independent claim 1 is patentable over the cited references. Furthermore, the remaining claims depend from independent claim 1. Therefore, it is respectfully submitted that these claims are likewise patentable over the cited references for at least the reasons set forth above in connection with independent claim 1.

In view of the foregoing, it is respectfully submitted that the present application is now in proper condition for allowance. If the Examiner believes there are any further matters which need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0537, referencing our Docket No. ST9175PCT(US).

Respectfully submitted,



Mark Kusner
Registration No. 31,115

KUSNER & JAFFE
Highland Place – Suite 310
6151 Wilson Mills Road
Highland Heights, Ohio 44143
(440) 684-1090 (phone)
(440) 684-1095 (fax)

MK/CAJ/lc